

# NORTHERN IRELAND ARMS DECOMMISSIONING (AMENDMENT) ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY

#### *Section 1*

5. This section extends the maximum length of the amnesty period that may be provided for in a decommissioning scheme. It does so by amending section 2 of the 1997 Act.

#### **Subsection (2)**

6. This subsection amends section 2(2)(a) of the 1997 Act which originally provided that the amnesty period must end before the first anniversary of the day on which the 1997 Act was passed, unless extended by order of the Secretary of State. The amendment has the effect of extending the initial maximum period of an amnesty to end at midnight on 26 February 2003.

#### **Subsection (3)**

7. This subsection amends section 2(3)(b) of the 1997 Act. Under section 2(2)(b) of that Act the Secretary of State has the power by order to appoint from time to time a later date before which the amnesty period must end. Section 2(3) of the 1997 Act originally provided that such later date must be not more than (a) twelve months after the order is made, or (b) five years after that Act was passed. Subsection (3) of this Act does not affect the condition set out in (a), but it substitutes 27 February 2007 for the five-year period set out in (b). The effect of this is to extend the Secretary of State's order-making power for a further five years beyond the expiry of the period previously allowed.

#### **Subsection (4)**

8. In case section 1 did not come into force until after 26 February 2002, this subsection provides that a scheme which would at any time have been a decommissioning scheme for the purposes of the 1997 Act, but for the fact that the amnesty period had not been extended by section 1 at that time, would have been treated as having been such a scheme at that time. This means that anything done in accordance with such a scheme would, once the Act was enacted, have fallen within the amnesty provided for by section 4(1) of the 1997 Act. Since the Act came into force on 26 February 2002, it will not be necessary to rely on the provision made by this subsection.